

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Melton B. Affrime, *et al.*

Application No.: 09/760,588

Filed: January 16, 2001

For: TREATING ALLERGIC AND
INFLAMMATORY CONDITIONS

Group Art Unit: 1614

Examiner: C. Delacroix-Muirheid

TECH CENTER 1600/2900

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DECLARATION OF SAMIR GUPTA, PH.D.

I, Samir Gupta, Ph.D., hereby declare as follows:

1. My name is Samir Gupta, and I am a Senior Research Fellow for Schering-Plough Research Institute, a corporate affiliate of Schering Corporation, the assignee of the above-captioned patent application. I provide this declaration in connection with the Response to the Office Action issued November 20, 2002, by the U.S. Patent and Trademark Office in the above-captioned patent application.

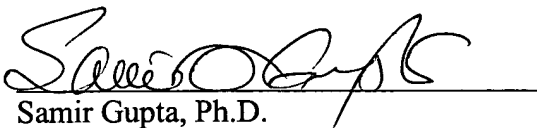
2. Melton Affrime, Christopher Banfield, Desmond Padhi, and I are the four co-inventors of the invention described and claimed in the above-captioned patent application.

3. Melton Affrime, Christopher Banfield, Desmond Padhi, Jerry Herron, Paul Glue, and I are the co-authors of D. Padhi, *et al.*, *Multiple-Dose Pharmacokinetics, Safety, and Tolerance of Desloratadine in Healthy Volunteers* (Abstract 1124), J. Allergy Clin. Immunol., Vol. 105, No. 1, part 2, p. S385 (January 2000), and of J. M. Herron, *et al.*, *Dose-Proportionality, Linearity, and Pharmacokinetics of Desloratadine in Healthy Volunteers* (Abstract 1126), J. Allergy Clin. Immunol., Vol. 105, No. 1, part 2, p. S385 (January 2000).

4. Dr. Herron was a clinician at the Arkansas Research Medical Testing Center, where the clinical study disclosed in Padhi, *et al.*, and in Herron, *et al.*, was conducted. He administered the clinical study under the direction and supervision of Melton Affrime, Christopher Banfield, Desmond Padhi, and myself.

5. Dr. Glue was the clinical physician for the clinical study disclosed in Padhi, *et al.*, and in Herron, *et al.* His role was limited to monitoring and addressing potential adverse event issues relating to the safety of the study participants. These adverse event issues did not relate to the claimed invention. Dr. Glue did not participate in the conception of the invention described and claimed in the above-captioned patent application or of any relevant subject matter disclosed in Padhi, *et al.*, and Herron, *et al.*

I declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true, and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18, United States Code, and that willful false statements may jeopardize the validity of this patent.


Samir Gupta, Ph.D.

Date: April 30 2003